

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE ENRIQUE CASTILLO CHAIDEZ,

v.

CARL HEMPHILL, ET AL.

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CIVIL ACTION NO. 18-1837

**ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION TO DISMISS CERTAIN
CLAIMS UNDER RULE 41(a)(2)**

This 9th day of November, 2021, upon consideration of Plaintiff’s Motion to Dismiss Certain Claims under Federal Rule of Civil Procedure 41(a)(2), and Defendants’ non-opposition to the Motion, it is hereby **ORDERED** that the Motion is **GRANTED**.

The following claims asserted in Plaintiff’s First Amended Complaint are hereby dismissed with prejudice:

1. Count I, asserting claims under the Trafficking Victims Protection Act, 18 U.S.C. § 1589, as to all named Defendants (Carl Hemphill, Mariana Hemphill, KAH Transportes, LLC (“KAH”), Delco Mulch and Supply, LLC (“Delco Mulch”), Three Seasons Landscape Contracting Services, Inc. (“Three Seasons”), and MJC Labor Solutions, LLC (“MJC Labor Solutions”));
2. Count II, asserting claims under the Trafficking Victims Protection Act, 18 U.S.C. § 1589, as to all named Defendants (Overbrook Park Holding Co., Ltd. and MJC, LP);
3. Count III, asserting claims under the Trafficking Victims Protection Act, 18 U.S.C. § 1590, as to all named Defendants (Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, Three Seasons, and MJC Labor Solutions);
4. Count IV, asserting claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201–219, only as to Defendants Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, and Three Seasons;
5. Count V, asserting claims under Pennsylvania’s Act 105, 18 Pa. C. S. § 3051, as to all named Defendants (Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, Three Seasons, and MJC Labor Solutions);

6. Count VI, asserting claims under Pennsylvania's Act 105, 18 Pa. C. S. § 3051, as to all named Defendants (Overbrook Park Holding Co., Ltd. and MJC, LP);
7. Count VII, asserting claims under the Pennsylvania Minimum Wage Act of 1968, 43 P.S. §§ 333.101–115, only as to Defendants Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, and Three Seasons;
8. Count VIII, asserting claims under the Pennsylvania Wage Payment and Collection Law, 43 P.S. §§ 260.1–260.12, only as to Defendants Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, and Three Seasons;
9. Count IX, asserting claims for Breach of Contract, only as to Defendants Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, and Three Seasons;
10. Count X, asserting claims for Unjust Enrichment, only as to Defendants Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, and Three Seasons;
11. Count XI, asserting claims under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1–201-9.2, only as to Defendants Carl Hemphill, Mariana Hemphill, KAH, Delco Mulch, Three Seasons; Overbrook Park Holding Co., Ltd. and MJC, LP; and
12. Count XII, asserting claims for Negligent Misrepresentation, only as to Defendant Carl Hemphill.

/s/ Gerald Austin McHugh
United States District Judge